REMARKS

This Response is filed in reply to the Office Action dated January 26, 2005. In this Response, Applicants traverse the Examiner's rejections of claims 1-23 and add new claims 24-31. Silence with regard to any of the Examiner's rejections is not an acquiescence to such rejections. Specifically, silence with regard to Examiner's rejection of a dependent claim, when such claim depends from an independent claim that Applicants consider allowable for reasons provided herein, is not an acquiescence to such rejection of the dependent claims, but rather a recognition by Applicants that such previously lodged rejection is moot based on Applicants' remarks and/or amendments relative to the independent claim (that Applicants consider allowable) from which the dependent claims depends. Applicants reserve the option to further prosecute the same or similar claims in the instant or a subsequent application.

Claims 1-23 are pending in the present application. Claims 24-31 are added herein. The issues of the January 26, 2005 Office Action are presented below with reference to the Office Action.

<u>With regard to the Office Action, paragraph 3</u>: The Examiner rejected claims 1-23 under 35 U.S.C. §102(e) as being unpatentable over Rao (U.S. Patent No. 6,789,118).

Rao Is Directed To A Switch, Not An "Application Server"

Rao is directed to a "multi-service network *switch*" (abstract). As such, Rao is concerned solely with, and directed solely to, "the selection of a routing path for a particular connection" (Summary of the Invention, col. 2, lines 16-17). The result of the use of Rao's switch is simply the establishment of a connection "to a particular wholeselling ISP's router." (*Id.*, lines 18-19).

In particular, Rao discloses interface modules, known as forwarding modules (FMs). (col. 3, lines 55-57). Each FM has daughter cards (referred to as personality modules, or PMs), such as Ethernet PMs, primary rate interface (or PMI) PMs, digital modem server PMs, and serial data interface PMs. (col. 4, lines 6-13). Thus, when Rao speaks to the provision of "a wide range of services" and "a wide range of applications" (col. 4, lines 13-15), the services and applications to which he refers are different types of transport services and applications (i.e. Ethernet, ISDN, DSL).

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According to Rao, "each connection to the switch needs a specific set of hardware and software resources." (col. 8, lines 34-35). However, as Rao also points out, "all the resources required for a connection are found on the input FM 10 and its associated PMs 12." (col. 8, lines 38-39). Thus, the searching in Rao of a call policy database for a call policy record corresponding to the incoming call merely dictates "how the call is to be routed." (col. 8, lines 61 – col. 9, line 1).

By contrast, Applicant's invention is directed to an "application server." An application server can be thought of a server computer that executes one or more applications when requested by other computers. As discussed and disclosed in Applicants' application, the application server is responsible for providing a range of "call services." However, as opposed to the "wide range of services" referenced by Rao (i.e. transport services), the call services referenced in the present application are, for example, "voice-mail, call-forwarding, and call waiting to video conferencing, PBX (Private Branch Exchange) capabilities, unified messaging, and 911 services" (paragraph 7).

This distinction can be highlighted by considering an individual call processed by Rao's switch, and another (or even the same call) processed by Applicants' "application server." As the result of searching a call policy database for a call policy record corresponding to the incoming call, Rao's switch will determine over which type of "service" the call is to be routed (e.g., via Ethernet, ISDN, or DSL). By definition, an individual call would not utilize two or more of the "services" specified in Rao. But, by contrast, a call handled by Applicant's "application server," might utilize any number (or even all) of the "services" disclosed by Applicants (e.g. voice-mail, call-forwarding, call waiting), depending on the "domain" into which the caller falls, and the associated "domain policy" for that domain.

Thus, when Examiner suggests at the top of page 3 of the Office Action that "[a]s to claim 1, Rao teaches a method of handling a call at an application server offering one or more services," such suggestion fails to take into account the substantive differences between: (a) a switch (as disclosed by Rao) and an application server (as disclosed by Applicants); and (b) the type of (transport) "services" being referenced by Rao and the type of (application or telecommunication-type) "services" being referenced by Applicants.

Moreover, each one of the remainder of Examiner's rejections are premised on the erroneous initial statement (as to claim 1, as well as the other independent claims 8, 14, and 19)

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that Rao discloses an "application server." However, without the disclosure of an application server, or at least the disclosure of how the Rao invention would be applicable thereto, the "switch" of Rao fails to fully disclose the limitations of any of Applicants' claims.

Rao Is Not Directed To Servicing Multiple Service Providers

Another important distinction between Applicants' invention and Rao is the ability of Applicants' invention to "enable different business entities to offer services from the same application server without losing control over call handling" (paragraph 10). Applicants' application server can, for example, "offer services to both Verizon and Sprint subscribers" (paragraph 25). Such servicing of multiple service providers would not be possible in Rao's switch, wherein different service providers would, by definition, lose control over call handling.

In an effort to highlight this additional distinction of handling calls for multiple service providers, and to obtain claim protection to which Applicants believe they are entitled, new claims 24-31 have been added.

Conclusion

Applicants consider the Response herein to be fully responsive to the referenced Office Action. Based on the above Remarks, it is respectfully submitted that, since Rao does not disclose an application server, or provide any indication of applicability to an application server, it cannot be anticipatory of Applicants' claims. Accordingly, withdrawal of the rejection is respectfully requested and allowance requested. If there are any remaining issues or the Examiner believes that a telephone conversation with Applicants' attorney would be helpful in expediting the prosecution of this application, the Examiner is invited to call the undersigned at (972) 718-4800.

Respectfully submitted,

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